

COMMISSIONERS
MARC SPITZER - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

OPEN MEETING



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ARIZONA CORPORATION COMMISSION

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DATE: October 16, 2003
DOCKET NO: T-04189A-03-0462

AZ CORP COMMISSION
DOCUMENT CONTROL

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Amanda Pope. The recommendation has been filed in the form of an Order on:

SUGAR KANE VENDING COMPANY, LLC dba COMMUNITY PAY PHONE
(CC&N/COPT)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

OCTOBER 27, 2003

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

NOVEMBER 4 and 5, 2003

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Secretary's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

OCT 16 2003

DOCKETED BY	
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BRIAN C. McNEIL
EXECUTIVE SECRETARY

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This document is available in alternative formats by contacting Yvonne McFarlin, ADA Coordinator, voice phone number 602-542-3931, E-mail YMcFarlin@cc.state.az.us

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 MARC SPITZER, Chairman
4 WILLIAM A. MUNDELL
5 JEFF HATCH-MILLER
6 MIKE GLEASON
7 KRISTIN K. MAYES

8 IN THE MATTER OF THE APPLICATION OF
9 SUGAR KANE VENDING COMPANY, LLC DBA
10 COMMUNITY PAY PHONE FOR A
11 CERTIFICATE OF CONVENIENCE AND
12 NECESSITY TO PROVIDE CUSTOMER-OWNED
13 PAY TELEPHONE SERVICE IN THE STATE OF
14 ARIZONA.

DOCKET NO. T-04189A-03-0462

DECISION NO. _____

ORDER

15 Open Meeting
16 November 4 and 5, 2003
17 Phoenix, Arizona

18 **BY THE COMMISSION:**

19 Having considered the entire record herein and being fully advised in the premises, the
20 Commission finds, concludes, and orders that:

21 **FINDINGS OF FACT**

22 1. On July 7, 2003, Sugar Kane Vending Company, LLC dba Community Pay Phone
23 ("Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a
24 Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone
25 ("COPT") service in the State of Arizona.

26 2. In Decision No. 55817 (December 10, 1987), the Commission found that COPT
27 providers were public service corporations subject to the jurisdiction of the Commission.

28 3. In Decision No. 57797 (April 8, 1992), the Commission adopted A.A.C. R14-2-901
through R14-2-909 to regulate COPT providers.

4. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes
rates and minimum service standards applicable to COPT service.

5. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT
Certificates without a hearing.

6. Applicant has requested that a Certificate be granted and has indicated that it will

1 provide COPT service pursuant to the rates, terms and conditions specified in the Generic COPT Tariff.

2 7. Applicant has payphone locations and submitted certification that it posted the
3 required Notice of Application at its payphone locations.

4 8. On August 1, 2003, the Commission's Utilities Division Staff ("Staff") filed a Staff
5 Report, recommending approval of the application without a hearing.

6 9. Staff stated that the Applicant has provided a copy of its customer information placard
7 in compliance with the Generic Tariff.

8 10. Staff also stated that increased pay telephone availability is in the public interest.

9 **CONCLUSIONS OF LAW**

10 1. Applicant is a public service corporation within the meaning of Article XV of the
11 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

12 2. The Commission has jurisdiction over Applicant and the subject matter of the
13 application.

14 3. The provision of COPT service in Arizona by Applicant is in the public interest.

15 4. Applicant is a fit and proper entity to receive a Certificate for providing COPT service
16 in Arizona.

17 5. Staff's recommendation in Findings of Fact No. 8 is reasonable and should be
18 adopted.

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28 **ORDER**

ORDER

IT IS THEREFORE ORDERED that the Application of Sugar Kane Vending Company, LLC dba Community Pay Phone for a Certificate of Convenience and Necessity for authority to provide customer-owned pay telephone service in Arizona shall be, and the same is, hereby granted.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 2003.

BRIAN C. McNEIL
INTERIM EXECUTIVE SECRETARY

DISSENT _____

DISSENT _____
AP:dap

SERVICE LIST FOR:

SUGAR KANE VENDING COMPANY, LLC dba
COMMUNITY PAYPHONE

DOCKET NO.:

T-04189A-03-0462

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